

Exhibit 29

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1

2 UNITED STATES DISTRICT COURT NEW YORK
3 FOR THE EASTERN DISTRICT OF NEW YORK

-----X

4 MARTIN TANKLEFF,

5 Plaintiff,

6 -against-

7 THE COUNTY OF SUFFOLK, K. JAMES McCREADY,
8 NORMAN REIN, CHARLES KOSCIUK, ROBERT DOYLE,
9 JOHN MCLELHONE, JOHN DOE POLICE OFFICERS
#1-10, RICHARD ROE SUFFOLK COUNTY EMPLOYEES
#1-10,

10 Defendants.

11 -----X

12 666 Old Country Road
13 Garden City, New York

14 June 17, 2014
15 10:05 p.m.

16 DEPOSITION of ROBERT J. ANDERSON, a
17 Non-Party Witness herein, taken by the
18 Plaintiff, pursuant to Federal Rules of
19 Civil Procedure and Notice, held at the
20 above-mentioned time and place, before Dolly
21 Fevola, Notary Public of the State of New
22 York.

23

24

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2

2 APP E A R A N C E S :

3

4 BARKET MARION EPSTEIN & KEARON, LLP
5 Attorneys for the Plaintiff
6 666 Old Country Road
7 Garden City, New York 11530
8 BY: BRUCE BARKET, ESQ.
9 POLLACK, ESQ.

10

11 SUFFOLK COUNTY DEPARTMENT OF LAW
12 Attorneys for the Defendants
13 H. Lee Dennison Building
14 Hauppauge, New York
15 BY: BRIAN MITCHELL, ESQ.

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2 STIPULATIONS

3 IT IS HEREBY STIPULATED AND AGREED, by
4 and among counsel for the respective parties
5 hereto, that the filing, sealing and
6 certification of the within deposition shall
7 be and the same are hereby waived;

8 IT IS FURTHER STIPULATED AND AGREED that
9 all objections, except as to form of the
10 question, shall be reserved to the time of
11 the trial;

12 IT IS FURTHER STIPULATED AND AGREED that
13 the within deposition may be signed before
14 any Notary Public with the same force and
15 effect as if signed and sworn to before the
16 Court.

17 * * *

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R. Anderson

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ROBERT J. ANDERSON, after
having been first duly sworn by a Notary
Public of the State of New York, was
examined and testified as follows:

6

EXAMINATION BY

7

MR. BARKET:

8

Q State your name for the record,
please?

10

A Robert J. Anderson.

11

Q State your address, please.

12

A 30 Yaphank Avenue, Yaphank, New
York 11980.

14

MR. BARKET: Good morning.

15

THE WITNESS: Good morning.

16

MR. BARKET: I'm going to ask
you a series of questions. If you
don't understand the question,
please indicate that. If you answer
the question, we're all going to
assume that you understood it; is
that fair?

23

A Sure.

24

Q Have you been deposed before?

25

A Yes.

1

R. Anderson

5

2

Q In what context?

3

A Most likely in reference to a
homicide case, but I don't recall
specifically which one.

6

Q Well, normally in a homicide
case, you mean it was a civil case that
followed the homicide case?

9

A I don't remember.

10

Q You sat down in a room similar
to this and were asked questions about a
case that you were involved in?

13

A Yes, I think so.

14

Q When was that?

15

A I don't know. I don't remember
anything about it. It's just generally I
think I've been deposed before.

18

Q Ever been a party to a civil
lawsuit?

20

A When you say party, I mean when
you're a party, you're specifically named?

22

Q Yes.

23

A And when it's a Notice of Claim
are you considered a party?

25

MR. MITCHELL: No.

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R. Anderson

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A Not yet. So I have to say no.

3

Q You were employed as a Suffolk
County police officer, yes?

5

A Yes, 34 years.

6

Q Could you tell me when you
started?

8

A 1970 of August, I believe it
was.

10

Q At some point, you were in the
homicide squad; is that correct?

12

A Yes.

13

Q When did you receive that
assignment?

15

A In 1985.

16

Q When did you retire?

17

A In 2004.

18

Q Kind of on the side, were you
in the homicide squad? Were you there
during the confession takers piece from
Newsday?

22

MR. MITCHELL: I object to the
form. You can answer.

24

A I went into the squad in April.
I'm quite sure it was April of 1985, and at

1

R. Anderson

7

2

that time that investigation or series of
articles in the newspaper was taking place.

4

Q Okay.

5

A I was new in the squad.

6

Q Where did you work before that?

7

A I spent five years in the First
Squad Detectives, which is in Bay Shore.

9

Prior to that, I spent 10 years in the First
Precinct, Babylon township.

11

Q As a detective?

12

A No. In the 10 years as a
police officer in the First Precinct,
five years as a detective in Bay Shore, and
then 19 years in Homicide.

16

Q When did you first meet
Detective James McCready?

18

A The first time would be when I
got into the Homicide Squad, 1985.

20

Q And moving forward a little bit
to 1988, how did the Homicide Squad work?
How were cases assigned? Were there
partners, teams, what have you?

24

A Well, we worked in the team
concept. We had three teams, and basically

1

R. Anderson

8

2

if there was a new homicide, usually, not
always but usually, the whole team would
break out, go to the scene. There would be
assigned a lead detective and another
detective to work in conjunction with him
throughout the case, and then it would be
specific assignments given out to other team
members.

10

Q And who would decide which team
got assigned which homicide?

11

A Well, it would be the team that
was working that shift. We also had the
1:00 a.m. to 9:00 a.m. standbys where
usually you were working the day tour for
those standby assignments and that whole
team would be on standby or one specific
detective would be on standby and, if need
be, he would call the supervisor and the
supervisor would call the whole team out.

12

Q So are you familiar with Marty
Tankleff's case, the Tankleff murders?

13

A Yes.

14

Q Who was up for that murder, if
you will? Which team?

1

R. Anderson

9

2

A Well, I think we had the 1:00
to 9:00 standbys. Who specifically had the
standby, it might have been McCready, I'm
not sure. One of our team members would
have had the standby.

7

Q Was McCready on your team?

8

A Yes.

9

Q Were you a part of his team?

10

A Well, you have a team sergeant
and then you have the detectives assigned to
that team.

13

Q Who was the sergeant?

14

A Doyle.

15

Q When you say you had the 1:00

16 to 9:00 standby --

17

A Yes.

18

Q -- that means if a call came in
between 1 o'clock in the morning and
9 o'clock in the morning, whoever was on
standby would be assigned that case?

22

A Yes, from the duty officer.

23

MR. MITCHELL: Yes.

24

Q You don't know who was on
standby that date, December 7, 1988?

1

R. Anderson

10

2

A Actually, I don't recall, no.

3

Q Was there a record kept of
4 that?

5

A Of who had the standby?

6

Q Right.

7

A I suppose. I really don't
8 know.

9

Q Okay. When were you first
10 notified about the murders?

11

A I think it was shortly after
12 7:00 a.m.

13

Q How were you notified?

14

A Phone call from Doyle, I'm
15 quite sure.

16

Q When you say you're quite sure,
17 do you recall?

18

A Usually that procedure that
19 would be the procedure. I don't
20 specifically remember speaking to him on the
21 phone, but I think it's safe enough to say
22 that he called me at home.

23

Q What did he ask you to do?

24

A He asked me to respond; that
25 they had a double homicide in Belle Terre.

1

R. Anderson

11

2

I believe he gave me the address and asked
me to respond to the scene.

4

Q Did he say double homicide at
that point?

6

A I'm pretty sure he did.

7

Actually, no. I think he said we had a
homicide and another person was not dead as
of yet.

10

Q Okay.

11

MR. BARKET: Could I have this
marked as an exhibit, please, this
pack of material.

14

(Whereupon, Plaintiff's Exhibit
1 was marked for identification.)

16

Q It looks like it's 19 pages of
handwritten notes. Could you take a look at
what's been marked as Plaintiff's Exhibit 1.

19

A (Complying.) It looks like my
notes on September 7, 1988.

21

Q The handwriting is yours, yes?

22

A Yes, it is.

23

Q So on the first page it has
some information.

25

(Whereupon Barry Pollack has

1

R. Anderson

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entered the deposition suite.)

3

Q The top number here is

4

88-461042. Is that some kind of number
that's assigned to the case?

5

A Yes, the central complaint
number.

6

Q And where would that have come
from? Where would you have gotten that
number from?

7

A I would have gotten it from
someone at the scene.

8

Q And when is that generated?

9

A That's generated out of
headquarters when a call goes out to the
uniform command.

10

Q Below, it has a couple of
different names; Seymour, Arlene and Marty
Tankleff. It looks like it's ages. Seymour
is 62; Arlene is 54.

11

A Yes.

12

Q And then you have Marty's date
of birth. Where did you that from?

13

A Probably one of the detectives
at the scene. It could have been Doyle. I

1

R. Anderson

13

2

don't recall.

3

Q Okay. Next page, you have listed two police officers as the first officers at the scene?

6

A Right.

7

Q James -- can't quite read that -- Crane?

9

A I don't know if it's coin or crane. I think it might have been a coin. I'm not sure.

12

Q Daniel Gallagher?

13

A Yes.

14

Q You spoke to them yourself?

15

A I don't recall.

16

Q Take a look at this. It looks like you have some information here that appears to have been from them, but you tell me.

20

A I don't recall who gave it to me. It could have been the detective or the police officer. I'm not sure.

23

Q As you're making these notes, are you trying to document what happened? This is for yourself? What purpose?

1

R. Anderson

14

2

A Just to get some general
information as to what happened. Sure, for
myself, yes.

5

Q Wouldn't you want to know who
was conveying information to you?

7

MR. MITCHELL: I object to the
form. You can answer.

9

A I'm sure I knew at the time,
but as I sit here now, I don't recall.

11

Q Right. Is there anything in
the notes that would indicate who conveyed
this information to you?

14

A No. I don't think so, no.

15

Q So it would have come from
either the officers at the scene or one of
the detectives who was there ahead of you?

18

A Yes, it could have been.

19

Q When did you write this down;
do you recall?

21

A As it was being given to me.

22

Q Was that at the scene or could
that have been later on?

24

A No, that's at the scene.

25

Q How do you know that?

1

R. Anderson

15

2

A Because they're my initial
notes and that's what I do when I get to the
scene. I record whatever information is
available.

6

Q Okay. If you go to page -- and
on the bottom right it looks like there's
some kind of stamp. The first page.

9

A Let me see that one.

10

Q It says, AG 012623.

11

A Oh yeah.

12

Q So it's a sequential number.

13

A Okay.

14

Q It goes from 234 or 43. So go
to 25.

16

A Okay.

17

Q It says, "Marty woke up early
and noticed the alarm was off." And then
you have in parenthesis, "key in alarm."

20

A Yes. I have that down here,
yes.

22

Q What does that mean?

23

A It means, I guess, someone told
me the key was in the alarm.

25

Q What do you mean the key was in

1

R. Anderson

16

2

the alarm?

3

A I guess this is an alarm key.

4

I didn't see it. I don't know.

5

Q Could it mean there's a key-in;
like, a punch-in alarm?

7

MR. MITCHELL: Objection to the
form. You can answer.

9

A I have no idea.

10

Q Okay. All lights were on?

11

A Yes.

12

Q And then it says, "I'm the only
one person who would have motive to do
this," and it says Marty with a semicolon at
the beginning of that paragraph. Is this
information you're receiving from Marty?

17

A No.

18

Q Did you speak to him at all?

19

A I did not.

20

Q So this would have been
something that someone was telling you about
what he said?

23

A Yes.

24

Q Now, on Page 26 it says, "Marty
was emotional." In parenthesis it says, "no

1

R. Anderson

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tears." And there is a word that follows up
that I can't read.

4

A "Running around."

5

Q What did that refer to that
sentence, if you will?

7

A That he wasn't in a stationary
position. He was moving around from person
to person or around the area.

10

Q Okay. Who did you get this
information from; do you know?

12

A Yeah, once again, I don't
recall.

14

Q It says Marty was emotional but
I guess no tears means he was not crying?

16

A Yes.

17

Q So somebody described to you as
somebody being emotional and running around
but not crying?

20

A Yes.

21

Q Here it says -- I think this
says, "Marty, you're not telling me a whole
lot." What's that?

24

A What page?

25

Q 26 still. Marty asked Police

1

R. Anderson

18

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Officer Coyne or whatever his name is what
his father's condition was. Answer. "He's
alive. He's breathing." "Marty, you're not
telling me a whole lot."

6

Is that Marty saying you're not
telling me a whole lot or is that somebody
saying to Marty you're not telling me a
whole lot?

10

A The latter, someone saying to
Marty, you're not telling me a whole lot.

12

Q Who said that to Marty?

13

A I don't know.

14

Q Why did you make a note of
that?

16

A Because that's information that
was provided at the scene.

18

Q Somebody gave you kind of what
they said to Marty, but not what Marty said
to them?

21

A Well, they're saying that Marty
is not telling them a whole lot so, yeah, I
guess so.

24

Q Do you know who that came from?

25

A No, I don't.

1

R. Anderson

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2

Q Could you read that paragraph
and tell me if I'm reading it correctly.

4

Marty asked PO -- something -- what his
father's condition was. Answer. He's
alive. He's breathing -- Marty -- you're
not telling me a whole lot.

7

A Okay.

9

Q In that context, that's a
conversation about Marty asking the officer
about his father's condition?

12

A Yes.

13

Q Are you sure that this is not
Marty saying to the officer, you're not
telling me a whole lot about my dad's
condition?

17

MR. MITCHELL: I object to the
form. You can answer.

19

A No.

20

Q You're not sure?

21

A No, the question was, do I
think that that's Marty saying to the
officer or a detective or someone that
you're not telling me a whole lot, that's
your question?

1

R. Anderson

20

2

Q Yeah.

3

A No, my impression is that's

4

what was said to Marty by either the police
officer or a detective, but in this case, in
the context of that paragraph, it looks like
it would be Police Officer Coyne.

5

Q Well, actually, the way you
have it written here, you have Marty, and
then the next phrase is, asked officer what
Marty says his father's condition is, and
then you have answer. And then you give the
answer, he's alive. He's breathing. And
then you have Marty with another dash the
same way you did in the first part of it,
and then you have a response. It seems like
it would flow. Marty asked the officer what
his father's condition was. Answer. He's
alive. He's breathing. Marty you're not
telling me a whole lot.

6

A Yeah, I don't know. I don't
know what to say.

7

Q Doesn't that seem like how it
flows from reading this?

8

MR. MITCHELL: Objection to

1

R. Anderson

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form. You can answer.

3

A I really don't know. It's a note taken a long time ago. At that time, I probably knew but as I sit here now, I don't.

7

Q Below it has, Marty blood on shoulder, right side of face?

9

A Yes.

10

Q Okay. And he's wearing shorts.

11

A Yes.

12

Q Is that something you observed?

13

A I observed him at the scene and he was wearing shorts, and when I got there he was sitting on the hood or trunk of a vehicle.

17

Q Okay. Was he wearing anything besides shorts?

19

A I don't think so, but I don't know. I don't recall.

21

Q Well, if he was wearing something else besides shorts, you would have noted it?

24

MR. MITCHELL: I object to the form. You can answer.

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R. Anderson

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A I really don't recall if he was
or not. If I would have noted it? See, it
could have been what another detective or
officer is telling me or it's not
necessarily what I observed.

3

4

5

6

7

Q When you observed him, he was
sitting on the hood of the far car. Was he
wearing anything besides shorts?

8

9

10

A I recall shorts. I don't

11

recall a top. It's possible or not.

12

Q Could this also be information

13

you received from officers at the scene?

14

A It could have been an officer

15

or the detective.

16

Q All of this seems to have come
from, at the least, ultimately from the
officers who initially showed up there, yes?

17

MR. MITCHELL: I object to the

18

form.

19

Q Whether it came through a
detective or not, the initial information
about where Marty took the officers, how he
greeted them, things like that, all came
from them, yes?

1

R. Anderson

23

2

MR. MITCHELL: I object to the

3

form. You can answer.

4

A All came from them being the

5

officers at the scene --

6

Q Right.

7

A -- or detectives?

8

Q No, the officers at the scene

9

were the ultimate source of the information?

10

A Much of it probably was, yeah.

11

Q Then you have 27 entitled is

12

the page Neighborhood and you have some

13

names. Is this information you got from

14

these people directly or is this information

15

that was conveyed to you about what these

16

people said to somebody else?

17

A I believe I interviewed this

18

neighbor.

19

Q And that's Dominic Francis?

20

A Let me just read it a moment.

21

I think it's an interview I did.

22

Q Okay. It indicates Arlene
wanted a divorce?

24

A Yeah, that's what she told me.

25

Q And Seymour a sick man. That

1

R. Anderson

24

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means physically? It meant physically, yes,
3 bleeding ulcers, artery problems, so forth?

4

A Yes.

5

Q Okay. And then it describes
6 Marty as a good kid -- something -- always
7 working on cars. What's that word before
8 "always." I'm looking at Page 28 now,
9 sorry.

10

A Good kid. Has friends. Always
11 working on cars.

12

Q Okay. Now, if you turn to Page
13 29, you have a list of card partners?

14

A Yes.

15

Q And in addition to the names,
16 addresses, phone numbers, date of birth,
17 there are some check marks here. What is
18 that for?

19

A I believe I checked them off
20 after I interviewed them, I would say.

21

Q Did you conduct these
22 interviews by yourself or with someone else?

23

A With someone else.

24

Q Who was that?

25

A Detective Anthony Ligase.

1

R. Anderson

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2

Q Is he still alive?

3

A Yes.

4

Q Is he well physically; do you
know?

5

A No.

6

Q What's the matter with him?

7

A He has pancreatic cancer and he
has kidney failure and he's on dialysis and
on chemotherapy.

8

Q Does he live locally?

9

A He lives in Suffolk County.

10

Q Okay. Were you assigned to
interview the card players?

11

A Yes, I was.

12

Q And who asked you to do that?

13

A Doyle.

14

Q And when did you conduct the
interviews?

15

A On that date, same day.

16

Q September 7th?

17

A Yes.

18

Q Okay.

19

MR. BARKET: Could I have this

20

marked as number 2.

1

R. Anderson

26

2

(Whereupon, Plaintiff's Exhibit

3

2 was marked for identification.)

4

Q Plaintiff's Exhibit 2, that's

5

the supplemental report on the interview of
the card players; is that right?

7

A I'm sorry. Yes, it is.

8

Q Take a look at it. If I

9

understand what happens correctly, is that
you take notes when you're doing the
interview and then go back and prepare a
supplemental report?

13

A Yes.

14

Q When is the supplemental report
prepared off of the notes?

16

A This was done -- It was started
the next day on the 8th. I don't know when
I actually completed it though.

19

Q Would there be a date on here
someplace as to when it would be completed?

21

A No.

22

Q At what point in time did you
learn that Marty supposedly confessed to
these crimes?

25

A I've thought about that and I

1

R. Anderson

27

2

just don't recall when I actually was told
that he confessed. I just can't place that.

4

Q Was it some point during the
day of September 7th?

6

A Probably. Probably.

7

Q Okay. And at what point during
the day did you interview the card players
or start to interview card players?

10

A On the 7th. What point in the
day?

12

Q Yes, what time?

13

A I did not stay long at the
scene. I did the neighborhood interview. I
spent some time gathering their addresses,
researching that, and I don't know when I
started. It probably might have been
towards the afternoon. I really don't
recall the specific time.

20

Q Where would you have gotten the
addresses from?

22

A I think that Mr. Bove helped me
out with some of those. The other ones we
could have possibly done motor vehicle
checks to get their addresses. I'm not

1

R. Anderson

28

2

really sure. I recall Mr. Bove helping us out with them because he was the mayor of Belle Terre and he knew these people.

5

Q Was he there at the scene?

6

A Yes.

7

Q The phone numbers would have come from where, do you know?

9

A Well, for the report purposes I actually got them from the individuals.

11

Q Right, but at the beginning of this starting at Pages 29 and 30, it looks like this is the list with the addresses that you went back and checked off, yes?

15

A Yeah.

16

Q So that's the list you made before you went out to interview them and then you went out to interview them based on the list and checked them off as you went?

20

A Yeah, and I could have added additional information into my notes as I spoke to them.

23

Q Did you?

24

A Yeah, I'm sure I did.

25

Q What time did you interview Mr.

1

R. Anderson

29

2

Bove, if you recall?

3

A I do not recall.

4

Q In here it has a reference,

5

both in the reports and notes, that

6

watermelon on counter Vinny cut a piece with

7

a knife on his way out?

8

A Yes.

9

Q There is no other reference in
here that I saw to food or what they ate or
what they didn't eat.

12

How did that come up with Mr.

13

Bove?

14

A He just told me what he did,
what his actions was when he got to the
scene, when he left the scene, and just part
of the conversation when I interviewed him.

18

Q You know, as you sit here now,
that Marty supposedly told McCready that he
killed his parents with a knife that was on
the counter next to the watermelon?

22

A That Marty killed his parents?

23

Q That's what Marty said to
McCready according to McCready.

25

MR. MITCHELL: I object to the

1

R. Anderson

30

2

form. You can answer.

3

MR. BARKET: Let me start

4

again. I withdraw the question.

5

Q Are you aware, as you sit here

6

now, that according to Detective McCready

7

Marty confessed to the murders?

8

MR. MITCHELL: I object to the

9

form. You can answer.

10

A Yes.

11

Q And that one of the things that

12

Marty supposedly said was that he used a

13

kitchen knife that was on the counter next

14

to the watermelon?

15

A I don't recall that.

16

Q As you sit here now you don't?

17

A I don't recall that.

18

Q Do you recall anything about

19

Marty's confession?

20

A The only thing I recall is that he confessed and an attorney entered the picture and it was shut down, that's all.

23

Q So I guess what I'm asking you is that, is that something you asked specifically about, the watermelon on the

1

R. Anderson

31

2

counter did anyone use that knife?

3

A No, I would not ask that

4

specifically.

5

Q You might if you were told previously that Marty said he used that knife to kill his parents?

6

MR. MITCHELL: I object to the

7

form. You can answer.

8

A Yeah, but that's not the way that would have gone. I simply asked Mr. Bove what did he do, what could he tell me about the players of the card game, and he added that with no prompting from me.

9

Q Did you learn any information about who might have been involved in this from either Marty himself, from the detectives, from talking to Marty or from any other witnesses or relatives?

10

A About who may have been involved or accused at that time besides Marty?

11

Q Sure. When you first got a there, Marty was not accused; was he?

12

A No.

1

R. Anderson

32

2

Q Did anybody tell you that he
was a suspect or person of interest or
anything like that?

5

A No.

6

Q So at some point in time, did
someone tell you that someone else may have
been involved?

9

A Yes.

10

Q Who was that?

11

A Jerry Steuerman.

12

Q Who told you that?

13

A Who told me? It could have
been Sergeant Doyle, one of the detectives
at the scene, saying that Marty was blaming
Jerry Steuerman for this.

17

Q What do you mean blaming?

18

MR. MITCHELL: I object to the
form. You can answer.

20

21

A Saying that Steuerman did this,
killed his parents.

22

23

Q Well, you used the phrase
blaming. Is that what was told to you or is
that a phrase that you used now?

25

A Probably just a phrase I used

1

R. Anderson

33

2

now.

3

Q Did you know at the time that
their actually were several relatives of the
Tankleffs that indicated that the likely
suspect or person who would have a motive to
do this was Steuerman?

4

MR. MITCHELL: I object to the
form.

5

A From other relatives?

6

Q Yes.

7

A No.

8

Q Ron Rother?

9

A Not aware of that.

10

Q Ron Falby?

11

A No.

12

Q You did not learn that other
individuals had "blamed" Steuerman?

13

A I did not.

14

Q Okay. Did you ask Bove what
Steuerman was wearing?

15

A I don't think I did.

16

Q Okay. Was Steuerman a suspect
or at least a person that you wanted to
speak to in connection with this?

1

R. Anderson

34

2

A Yes.

3

Q Okay. So obviously, did you see the scene, the crime scene? Did you walk in?

4

A Briefly, yes.

5

Q You saw that there was obviously quite a bit of blood?

6

A Yes.

7

Q From your experience as a detective, it's certainly possible that whoever was involved in this would have gotten some blood on them?

8

A Yes.

9

Q It's actually more than possible whoever committed these crimes had to have blood from the victims on their person or clothing, yes?

10

MR. MITCHELL: I object to the form. You can answer.

11

A I really can't say. Is it possible? Yes, a lot of things are possible.

12

Q Is it likely?

13

MR. MITCHELL: I object to the

1

R. Anderson

35

2

form. You can answer.

3

A I don't know. I don't know in
this situation.

5

Q What do you mean you don't know
in this situation?

7

A I mean it's possible that a
person could not get blood on them too, but
I can't answer that question. I don't know.

10

Q You don't know whether or not
somebody who was at the scene of where
Arlene was killed and where Seymour was
killed, you don't know whether or not it's
likely that those individuals or individual
would have blood from the victims on them
after committing that act?

17

A It's possible they could and
remotely possible that maybe they could not.
Maybe they didn't.

20

Q Okay. Did you ask anyone what
Steuerman was wearing?

22

A I don't recall if I did.

23

Q Did you ask Steuerman what
Steuerman was wearing?

25

A I don't think so.

1

R. Anderson

36

2

Q I guess then you did not ask to
see the clothing that he was wearing?

4

A No.

5

Q Could you turn to Page 37 of
Plaintiff's Exhibit 1.

7

A Yup.

8

Q This is your interview with
Steuerman?

10

A Yes, it is.

11

Q Where did this interview take
place?

13

A At his business, one of the
bagel stores in East Setauket.

15

Q What time did it take place?

16

A I don't recall.

17

Q Do you know in what sequence
you did the interviews?

19

A Yes. Steuerman was the last
one.

21

Q So if you had interviewed the
rest of the people during the day, this had
to be later on in the afternoon?

24

A Yes.

25

Q What was he wearing at that

1

R. Anderson

37

2

time?

3

A Other than casual clothing, I
don't recall.

5

Q On Page 38 it says, "unknown
what Seymour was wearing." Why are you
asking about what Seymour was wearing?

8

A I don't recall why.

9

Q Actually, I think there was a
reference to that in Bove's interview as
well about what Seymour was wearing?

12

A It's possible it was concerning
jewelry, things of that nature, that was or
was not still with the body. That's the
only reason I can think of why I would ask
that.

17

Q At the time that you were
interviewing Steuerman, you knew of the
allegations, at least by Marty, that he was
involved or could have been involved with
the murders, yes?

22

A Yes.

23

Q On Page 38 it says, "unknown
what Seymour was wearing," and then a
separate notation about jewelry. "Heavy

1

R. Anderson

38

2

bracelet, watch, unknown what else."

3

A Yes.

4

Q That seems to be two separate questions, what he was wearing in clothing and what kind of jewelry he had on.

5

A Possibly.

6

Q So what was the purpose in asking what the clothing was?

7

MR. MITCHELL: I object to the form. You can answer.

8

A Once again, I think, you know, probably because of the jewelry issue.

9

Q Well, if you go back to Bove's interview and take a look at -- the supplemental report is easy to read. It's on Page 11 of that, the same sequence, AG009211, it says, "when asked to recall what Seymour was wearing, he thought he had on a white shirt with laces but was not sure."

10

A Okay.

11

Q It seems like you're at least eliciting information about the clothing?

12

MR. MITCHELL: From Bove.

1

R. Anderson

39

2

Q From Bove here, right?

3

MR. MITCHELL: I object to the

4

form. You can answer.

5

A Yes.

6

Q Do you recall why you would
have been doing that?

8

MR. MITCHELL: From Bove.

9

MR. BARKET: From Bove.

10

A Once again, I think it was just
about the jewelry issue. I don't recall

11 other than that. I don't recall.

12

Q Okay. Going back to Page 38 of
the notes --

13

A Yup.

14

Q -- it says, "Arlene was
watching TV." Where?

15

A I don't know.

16

Q Did you ask him where?

17

A I don't remember.

18

Q But that's something he told
you that Arlene was watching TV, last seen
at 2030 -- that would be 10:30 at night; is
that right?

19

A No, 8:30.

1

R. Anderson

40

2

Q -- when they ate. Unknown when
she went to bed.

4

A Yes.

5

Q Was her TV in the card room?

6

A I don't recall.

7

Q Was she watching TV in the card
room?

9

A I don't know.

10

Q You do know that she was found
in her bedroom, right?

12

A Yes.

13

Q Do you know whether or not the
television in her bedroom was on?

15

A I may have known, but I don't
recall.

17

Q Here on Page 39 it says, "Jerry
last car to leave. Last saw Seymour in card
room." That came from Steuerman himself?

20

A Thirty-eight or 39, you said?

21

Q Thirty-nine.

22

A Yes.

23

Q On Page 40 you have a notation
here that Steuerman said Arlene disliked
men.

1

R. Anderson

41

2

A Yes, that's what he told me.

3

Q How did that come up?

4

A I have to assume I asked a question. I was asking him questions about Arlene and what she was doing at the time and, you know, I don't remember the specific question, but it was concerning Arlene.

9

Q Then your notes end on Page 41?

10

A Yes.

11

Q There's a line here in a supplemental report on Page 9214. The last thing you write in here says, "having knowledge of Marty Tankleff's accusations of Jerry Steuerman he made at the scene on September 7, 1988, it is this officer's opinion and also the opinion of Detective Ligase, after interviewing Mr. Steuerman that he should not be considered a suspect in the homicide."

21

A Yes.

22

Q What was that based upon?

23

A It was based upon Martin Tankleff's statements and observations at the scene that I had of him where he was

1

R. Anderson

42

2

approaching people who came to the scene
such as one of the neighbors -- I believe
his name was McNamara -- and he said to
McNamara that Marty had lifted his father, I
believe, from a desk and placed him on the
floor and Mr. McNamara said to him, then why
aren't you covered with blood, and Marty
said nothing and walked away.

10

He also said something to

11

Constable Heinz. He accused Jerry Steuerman
at the scene to the Constable and I believe
Constable Heinz said to him that when
Seymour -- if Seymour comes to he will be
able to verify whether Jerry Steuerman did
it or not, and there was no response from
Marty with that.

18

Also, Detectives McCready and
Rein had some observations at the scene that
didn't add up with Marty Tankleff. And
specifically there was one incident where
the blood spattering on the telephone -- and
I don't recall the exact conversation that
they had with Marty on that -- but it
indicated that Marty picked up the

1

R. Anderson

43

2

telephone, I think, and that there were no
3 smears of the blood spattering on the
4 telephone that the lab eventually
5 discovered.

6

And the other thing that was
7 significant at the scene that did not look
8 good for Marty was his point of observation
9 of his mother's body in the bedroom where he
10 described some injuries that you would not
11 be able to see from his point of
12 observation, that only someone that was
13 close up or had something to do with the
14 body could have noticed that.

15

Also, what did I base my
16 conclusion on Steuerman? Overkill at the
17 scene. What stands out to me at the scene
18 is that gaping wound in Arlene Tankleff's
19 neck. I would describe that as overkill.
20 Of course, I did not see Seymour Tankleff.

21

Also, my interview of the card
22 players where they all said that there were
23 absolutely no problems, no one had anything
24 negative to say about Jerry Steuerman.

25

Also, the fact that Jerry

1

R. Anderson

44

2

Steuerman's daughter alibied him that he had
arrived home at approximately 3:15 a.m. and
all the card players said they all left
together except for one party that left
earlier. They all left together at
3:00 a.m. and it was about a 15-minute ride
from the Tankleff residence to where Jerry
Steuerman was staying at his daughter's
house in Old Field. Within that 15 minutes,
someone could not create that havoc at that
crime scene and get home in 15 minutes.

13

He had to ring the doorbell to
get in. His daughter had to let him in
because he did not have his keys, and also
basically the demeanor of Jerry Steuerman
when I spoke to him. I had no bad vibes.
He was still shocked about the murders. And
there's just no bad feelings I got from him
at that time.

21

And then, subsequently I
learned that Marty Tankleff had confessed.

23

Q That's pretty good from
20 years later and not remembering some
parts of your notes. You have that down

1

R. Anderson

45

2

pretty well.

3

MR. MITCHELL: Wait. I object

4

to the form. Is that a question?

5

MR. BARKET: No, just an

6

observation.

7

MR. MITCHELL: I ask that it be

8

stricken from the record.

9

Q Let me go back. When you were

10

interviewing Jerry Steuerman, you did not

11

know -- Did you interview his daughter at

12

that point?

13

A I don't recall if I spoke to

14

her or one of the other detectives.

15

Q Okay. Nobody described -- I

16

guess Jerry Steuerman did not describe any

17

difficulty between him and Mr. Tankleff.

18

A No.

19

Q So he did not tell you about

20

the -- what was the statement at the trial?

21

He thinks he owned half -- He owned half of

22

my business, he thinks he owned half of me,

23

that sentiment did not come out to you?

24

A No.

25

MR. MITCHELL: No. I object to

1

R. Anderson

46

2

the form. I'm putting an objection
on the record to the form of your
question. I appreciate that he
answered it, but his question about
the statement at the trial I'm
objecting to the form. The witness
has already answered.

9

Q Do you recall that? You know
what I'm referring to that at some point
during the trial Steuerman said, "he thought
he owned half of me"?

13 A No, I don't.

14 Q Did Mr. Steuerman tell you
about the loans that were made by Mr.
16 Tankleff to him and the repayment schedule?

17 A No.

18 Q Did he tell you about the
demands that were being made by Mr. Tankleff
20 on him to repay the loans?

21 A He did not.

22 Q Did he tell you about the
23 interest that was being charged?

24 A No.

25 Q Did he tell you that he was

1

R. Anderson

47

2

supposed to make these payments in cash at
the card games?

4

A No.

5

Q Did he tell you that he and
Arlene had been fighting -- Mr. Steuerman
and Arlene had been fighting over the course
of the summer?

9

A Mr. Steuerman and Arlene?

10

Q Yes.

11

A No.

12

Q So nobody at the card game gave
you any indication at all that there was any
difficulties between Mr. Steuerman and Mr.
Tankleff?

16

A Absolutely none whatsoever.

17

Q Had you learned of an ongoing
bitter dispute over hundreds of thousands of
dollars between Mr. Steuerman and Mr.
Tankleff, would that have affected your view
of Mr. Steuerman as a suspect?

22

MR. MITCHELL: I object to the
form. You can answer.

24

A Well, I'd like to add that when
I was assigned to interview the card

1

R. Anderson

48

2

players, it was merely a preliminary interview, not to get into that depth that you gathered whatever specific facts would be helpful into the investigation at the time, knowing for well that anyone with significant information would be re-interviewed by McCready and Rein.

9

So as far as the business dealings with Seymour Tankleff and Jerry Steuerman, certainly, if Jerry Steuerman brought it up, I would have reported it and it would have been followed through in more detail, probably, the next day or so.

15

Q Right. My question wasn't what you would have done had you asked the questions and the subject had come up. My question was, had you learned of this information, would that have affected your view of Mr. Steuerman as a suspect?

21

MR. MITCHELL: I object to the

22

form. You can answer.

23

A At that point, I don't think so.

25

Q If you had learned at that

1

R. Anderson

49

2

point in time that virtually every detail in
the confession that Marty gave was false,
turned out not to be accurate from who was
killed first to the weapons that were
supposably used, would that have affected
your view of Steuerman as a suspect?

8

MR. MITCHELL: I object to the

9

form. You can answer.

10

A I'm not sure of the question
that you're asking me.

12

Q You said one of the reasons why
you did not consider Steuerman a suspect is
because Marty confessed?

15

A That was one of them, yes.

16

Q I'm asking about that. Knowing
now that many, if not all, of the details in
the confession turned out to be false, would
that affect your view of Steuerman as a
suspect?

21

MR. MITCHELL: I object to the
form.

23

A No, I would still not consider
him a suspect.

25

Q You mentioned Steuerman's

1

R. Anderson

50

2

demeanor. You know shortly after the
3 attacks and before Seymour passed away,
4 Steuerman, if I'm not mistaken, faked his
5 own death, emptied out a couple of bank
6 accounts, took out an insurance policy and
7 fled to California under a false name.

8

A Was that before Tankleff's
9 death? Before Seymour's death?

10

Q Yes.

11

A I'm aware of the fact that he
12 fled under those circumstances.

13

Q Would you consider -- I mean
14 didn't not pick up any bad vibes from him?
15 Clearly, that conduct would raise some
16 suspicion about the person; wouldn't it?

17

A I would say no because
18 Steuerman had to be there for the interview.
19 He had to be able to get a feeling for
20 speaking to this guy. He did a really
21 stupid thing. I guess his nerves got the
22 best of him with all the accusations that
23 were going around being dragged through the
24 pavers so I don't know.

25

Q What accusations? The only

1

R. Anderson

51

2

person that had accused him that you know of
3 was Marty Tankleff who confessed and charged
4 with the murder?

5

A Did it not come out in public?

6

Q I don't know. Did it come out
7 in public?

8

A I assume it did.

9

Q So just assume for the time
10 being that Steuerman is stone cold
11 absolutely completely innocent, he knows
12 that the police have arrested the son, that
13 the son had confessed, and the police were
14 fully confident that he had committed the
15 crime, what pressure is there on some
16 murderer making an accusation? I don't
17 follow the pressure on Steuerman.

18

MR. MITCHELL: I object to the
19 form. You can answer.

20

A I don't know what you're really
21 asking me.

22

Q You're saying that Steuerman
23 felt pressure because of the allegations
24 that were being made by somebody who was a
25 confessed murderer. How much pressure could

1

R. Anderson

52

2

that bring to bear on an innocent person?

3

MR. MITCHELL: Objection to the

4

form.

5

A I can't taken that.

6

Q You said that Steuerman did not

7

give you bad vibes, right? You mentioned a

8

moment ago, you had to be there for the

9

interview. Which interview are you

10

referring to?

11

A The one and only interview that

12

I had with him.

13

Q Okay. So you said after that

14

you had to be there for the interview. He

15

did a really stupid thing. Did you

16

interview him after he went to the

17

California?

18

A No.

19

Q Did you go out to California

20

with the people that went to pick him up?

21

A No.

22

Q So you had to be there for the

23

interview meaning the interview you

24

conducted with him on September 7th?

25

A Yes.

1

R. Anderson

53

2

MR. MITCHELL: You asked that

3

already twice.

4

Q So the reference to "he did a
really stupid thing," that's a reference to
him fleeing?

7

A Yes.

8

Q And why do you categorize that
as a "really stupid thing"?

10

A Because he had nothing to hide.
In my opinion, he's not the murderer.

11

Martin Tankleff was the murderer, so he did
a stupid thing.

14

Q But your opinion is based upon
facts that you know when you form the
opinion, right?

17

A Yes.

18

Q So if those facts change,
doesn't that subject your opinion to also
possibly changing?

21

MR. MITCHELL: I object to the
form.

23

A Is that a hypothetical?

24

Q No.

25

A It sounds like a hypothetical

1

R. Anderson

54

2

question.

3

Q You can call it whatever you
want. You can answer it, please.

5

MR. MITCHELL: I object to it

6

again. You can answer.

7

A Say it again.

8

MR. BARKET: Can you read it
back.

10

(Whereupon, the requested
portion was read back by the court
reporter.)

13

A Possibly, yes.

14

Q Okay. So I guess what I'm
doing here is kind of going back through the
reasons that you gave for excluding Jerry
Steuerman as a suspect --

18

A Right.

19

Q -- and saying, in hindsight,
looking back with new facts, new
information, does your view of Steuerman as
a suspect change?

23

A No.

24

Q And one of the things that you
gave me as a reason was Steuerman's

1

R. Anderson

55

2

interview, the vibe you got from him at the
time, right?

4

A Yes.

5

Q I guess that was a good vibe or
nothing bad?

7

A Nothing suspicious at all
concerning the homicide.

9

Q Two weeks later when he faked
his death and fled and did all that, that
certainly was suspicious; wasn't it?

12

A Not in our view. I mean
someone looking from the outside in, yes,
it's suspicious, but I mean I don't want to
sit here and say Jerry Steuerman was a nut
because he was kind of nutty like that. You
just had to know Jerry Steuerman.

18

Did you ever meet Jerry
Steuerman?

20

Q Did you?

21

A Once.

22

Q Just during that interview?

23

A Yes.

24

Q How long did that interview
take?

1

R. Anderson

56

2

A Probably no more than an hour.

3

Q So from that interview you formed an opinion as kind of nutty and this is typical, no big deal?

6

A I didn't think it was nutty during that interview, but you have to admit that's a pretty stupid nutty thing to do if you're an innocent person. That's my only point.

11

Q It depends on where you start. If you assume he's innocent and then you're like, you have nothing to hide, but you gave me his demeanor as one of the reasons why you thought he was innocent.

16

A Yes. It was nothing suspicious that he told me during that interview.

18

Q So look at this objectively for a second. Objectively speaking, an individual who is a suspect, or at least a possible suspect in a murder, who fakes his death, empties bank accounts and flees, that's suspicious activity; isn't it?

24

MR. MITCHELL: I object to the form. He can answer.

1

R. Anderson

57

2

A According to his opinion, he
could not take the pressure anymore.

4

Q Not according to his opinion,
objectively speaking that conduct is
suspicious; is it not?

7

A Yes, from a person outside
looking in, in this case it would be
suspicious.

10

Q You said, "it was not
suspicious to us." Who is "us," the
detectives?

13

A I think so.

14

Q The people on your team?

15

A Yes, I think so.

16

Q The people that arrested Marty
Tankleff?

18

A Yes.

19

Q The people that took his
confession?

21

A Well, I can't answer for them.
I believe so though.

23

Q Okay. Who interviewed his
daughter?

25

A I don't recall.

1

R. Anderson

58

2

Q Was there any attempt made at
all to kind of verify what she said; looking
at the alarm, looking at the keys, asking
her, for example, what clothing her father
was wearing when he got home?

7

A I don't know because I don't
know who did that follow-up interview of
her.

10

Q But you did not ask Steuerman
what he was wearing, right?

12

A I don't recall if I did.

13

MR. BARKET: Off the record.

14

(At this time, a brief recess
was taken.)

16

Q When I asked you before when --
you did not make a note in your notes about
Steuerman not being a suspect; it's not in
the handwritten notes?

20

A I didn't make a note that he's
not a suspect in my notes?

22

Q Right.

23

A No, I didn't.

24

Q But in the supplemental report
you did?

1

R. Anderson

59

2

A Yes.

3

Q When did you form the opinion
that he should not be considered a suspect?

5

A After the completion of all the
interviews, his being the last, and after
reporting back to the squad that day,
probably.

9

Q When you say "reporting back to
the squad," you went out interviewing him
knowing about the allegations that he was
involved?

13

A Right.

14

Q And then, came back and spoke
to other people and then formed your
opinion?

17

A Yes.

18

Q The thing that you listed off
here, McNamara, Heinz, so forth, how many of
those did you know at the time that you drew
your conclusion?

22

A Know personally?

23

Q Yeah, that you were aware of
whether you knew personally or somebody told
you about them?

1

R. Anderson

60

2

A I met them at the scene. I saw them at the scene, I believe. Bove was at the scene.

5

Q Well, McNamara, there is no mention of McNamara at the scene, no mention of Heinz at the scene, no mention of the blood spatter did not add up, the idea of the mother's body, no mention of the daughter's alibi. Which of these things were you aware of at the time that you made this conclusion?

13

A All of them.

14

Q All of them. So just curious, how did you remember -- Actually, there is nine different things that you gave us. How did you remember these from 23 years ago?

18

MR. MITCHELL: I object to the

19

form.

20

Q Excuse me, 26 years ago.

21

A Well, I was asked to come here and give a deposition so I reviewed my notes, my supplemental report, and knowing full well that you're going to ask me about why I did not consider Steuerman a suspect.

1

R. Anderson

61

2

I got some quiet time, I thought about it, thought back, and what I remember is what I remember.

5

Q Okay. Do you know where you learned about this conversation that McNamara supposedly had with Marty because it's not in your notes that you reviewed.

9

A No, I would have learned that at the scene.

11

Q How would you have remembered that from 26 years ago?

13

MR. MITCHELL: I object to the form. You can answer.

15

A Because those two specific things stuck in my mind.

17

Q There's nothing in your notes about McCready and Rein's observations about something not adding up; blood spatter on the phone? You just remembered that too?

21

A Yes.

22

Q Nothing in your notes about the observation of the mother's body and seeing injuries that he could not see, that's just something that you remember from 26 years

1

R. Anderson

62

2

ago as well?

3

A Yes.

4

Q The overkill at the scene, you
saw the scene. You didn't see Mr. Tankleff,
but you saw Mrs. Tankleff?

5

A Yes.

6

Q Nothing in your notes about
overkill or any reference to that, that's
obviously something you recall?

7

A Yes, definitely recall that.

8

Q Nothing in your notes about
Marty's confession but obviously you knew he
did confess, right, you recall that?

9

A Yes.

10

Q And you said something about
interview of the card players and that they
all left together or something to that
effect?

11

A Yes.

12

Q Could you turn to Page 34 of
the handwritten notes. I think it's the --
Who is Robert?

13

A Montefusco.

14

Q Turn to Page 33, if you will,

1

R. Anderson

63

2

first. That's Robert Montefusco? He was
one of the card players?

4

A Yes.

5

Q It says here, by the way,
"Arlene reading paper in living room where
TV is."

8

A Yes.

9

Q That's the last he saw of her?

10

A Apparently, yes.

11

Q No problems during the game?

12

Robert left at 3 o'clock. Shortly after
walked out with Vinny Bove and it says with
who? Al who?

15

A Raskin, Joe Cecare, Frank
Olivetti and Jerry Steuerman.

17

Q Who's Peter -- What's that?

18

A Capabianco.

19

Q Left early.

20

A Yes.

21

Q The next line says, "Jerry
Steuerman went back in to speak to Seymour,
did not see Jerry leave"?

24

A Correct.

25

Q So they did not actually leave

1

R. Anderson

64

2

all together?

3

A Well, actually the consensus of opinion from all of the card players was that they did leave together.

6

Q Well, I don't know about the consensus of opinion, but you wrote down, "Jerry Steuerman went back in to speak to Seymour and did not see Jerry leave." This is according to Mr. Montefusco, yes?

11

A Yes.

12

Q According to Montefusco they all walked out together but then Jerry went back in?

15

A Yes. As I was taking the notes from Montefusco this is what he told me. My routine, generally, when I do interviews, is take their personal information and do a general area of questions and get that down in my notes, and I like to put the notes aside and I like to concentrate on the conversation so I can remember.

23

So speaking with Mr. Montefusco, he was not really sure if Jerry went back in, Jerry Steuerman went back in.

1

R. Anderson

65

2

Q Are you kidding me, Detective?

3

MR. MITCHELL: Wait. Wait.

4

Let him finish his answer. No, no,

5

no.

6

MR. BARKET: Finish the answer.

7

MR. MITCHELL: He's going to

8

finish his answer and then you can

9

ask him a question.

10

MR. BARKET: Sure.

11

MR. MITCHELL: I'm going to ask

12

that you not make comments.

13

MR. BARKET: You're absolutely

14

right, Brian, I'm sorry.

15

MR. MITCHELL: Go ahead.

16

Answer.

17

A So I put that down in my notes

18

because that's what he said, and then later

19

on in the interview he saw Jerry go --

20

Apparently, Steuerman's car was the last one

21

up on the driveway. The situation was where

22

the cars were all pulled into the driveway

23

blocking one another. Steuerman's car was

24

the last one to leave from what I gathered

25

from these interviews.

1

R. Anderson

66

2

Montefusco was behind him. He
thought Jerry went back to go into the house
and then he was not sure if he actually went
in is what I'm trying to say. He did not
actually see him go in. There is more to
it.

7

Q I'm sure. Go ahead.

9

A That was in my notes, but if
you notice it's not in my supplemental
report because at the time, at the end of
the interview, he was not sure if he went
back in.

14

Q I have to focus back on the
thing that you said at the beginning of this
which is that you take notes about what the
person says and then you put the notes aside
and you want to remember what the person
said so you just talk to them.

19

A Yes.

21

Q So if I understand what you're
saying correctly is that what is written
down is not everything that the person said?

24

A Well --

25

Q And in this case not even the

1

R. Anderson

67

2

most important things?

3

A Well, in this case, I did the supplemental report, started it the next day so the conversation were fresh in my mind.

6

Q Well, where in the supplemental report it says, you know, did it indicate that Mr. Montefusco said, you know, I said that Jerry Steuerman went back in to speak to Seymour, but I'm really not sure. Maybe he just went to move his car or something. Where is that written down anywhere, either in the supplemental report or in the notes?

14

A I didn't see it. It's not in there.

16

Q Not in there at all?

17

A No.

18

Q So it's not even in there that it's unsure. Nowhere written that he is unsure as to what happened; is it?

21

A No, not actually.

22

Q So before, when I was asking you about the conversation with Marty and the police officer about how his father was, you couldn't recall where the information

1

R. Anderson

68

2

came from, what was said about it, whether
it was a reference to Marty saying you're
not telling me a lot or the officer saying
to Marty, you're not telling me a lot,
right? You recall that set of questions?

7

A Yes.

8

Q This, you can see what you've
written down, there is no reference in your
notes at all to this uncertainty or anything
of the like, but you're saying that you
remember that from 26 years ago?

13

MR. MITCHELL: Objection to the
form. You can answer.

15

A Yes, it was my personal
interview of another person. The
information at the scene I could have got
collectively from any number of people; the
detectives, the police officers or whomever.

20

Q But the interview at the scene
you were talking to somebody and writing
down what somebody was telling you?

23

MR. MITCHELL: Objection.

24

Q It's the same thing, right?

25

A You don't usually -- Not

1

R. Anderson

69

2

necessarily put down who told you what. I
mean, you collectively gather any
information on your first arrival on the
scene.

3

Q You're a homicide detective
investigating a double homicide in this
neighborhood and you don't write down who
told you the information that you're writing
down?

4

MR. MITCHELL: I object to the

5

form. You can answer.

6

A Not always, no.

7

Q Okay. In this case, you
actually did write down who told you what.
Mr. Montefusco told you that Steuerman went
back inside. That's accurate, right?

8

A Yes.

9

Q It's not that you've written
down something that he did not say?

10

A That's the first thing he said
about that.

11

Q And that's the only thing
you've written on that topic, yes?

12

A Yes.

1

R. Anderson

70

2

Q Could I show you what I'd like
to have marked as 3.

4

(Whereupon, Plaintiff's Exhibit

5

3 was marked for identification.)

6

Q Could you take a look at this.

7

Let me gather up the other ones. I gave you
the marked exhibits.

9

A That's that and this is this
(indicating).

11

Q Right. This is actually
Detective McCready's supplemental report
covering his case. Do you recognize that?

14

A Well, I see it's McCready's
name is on the report, yes.

16

Q Okay. What I want to ask you
is, do you recognize the handwriting that's
on pages -- I guess starting at Page 4, 5,
6.

20

MR. MITCHELL: What's the Bates
number?

22

MR. BARKET: It's AG004772

23

through 785.

24

A What page now are you talking
about?

1

R. Anderson

71

2

Q Look through 77 first. On the
upper right-hand corner it says, Defendant
still seated in car. Told J.P. and not M.T.
going to -- something?

5

A I don't see that.

7

Q Here. Right there
(indicating).

9

A The handwritten notes.

10

Q Do you recognize the
handwriting?

12

A No.

13

Q Do you know McCready's
handwriting or would you know it?

15

A No, I wouldn't.

16

Q Do you know John Collins's
handwriting?

18

A No.

19

Q Could you just turn through
these pages and see if you recognize any of
this handwriting. Take your time.

22

A (Complying.)

23

No, I don't.

24

Q Okay.

25

MR. MITCHELL: Bruce, if you

1

R. Anderson

72

2

know, the document that you marked
as 3, is a document that appears to
be Detective McCready's supplemental
report; am I right?

5

MR. BARKET: Yes.

6

7 MR. MITCHELL: With obviously a
8 great deal of handwriting notes. It
9 seems to be many of the pages. Is
10 that a document that was provided to
11 you, if you know, by the Attorney
12 General's office?

13

MR. BARKET: It's got an AG --
what looks like an AG stamp on it,
but I don't know.

14

15 MR. MITCHELL: Okay. I'm only
16 asking because I know there was an
17 exchange of discovery before I came
18 on the case and I'm just asking, do
19 you know if we provided you that
20 document? And you may not. I
21 probably should know whether or not
22 I did or not but I don't.

23

24 MR. BARKET: I don't know if
25 you provided it to us as well or if

1

R. Anderson

73

2

you, being Suffolk County, gave it
to the AG.

4

MR. MITCHELL: Fair enough.

5

MR. BARKET: I don't know where
it came from. I saw it and frankly
I was curious about it.

8

MR. MITCHELL: Okay. Again,
fair to say you don't know the
source of the writing because if you
do know the source of the writing I
ask that you tell me who the source
of the writing is.

14

MR. BARKET: Yeah. Well, it's
a matter for another day.

16

MR. MITCHELL: It's not. If
you know the source of the
writing --

19

MR. BARKET: It's a deposition
of a non-party witness, not for me
to answer questions.

22

MR. MITCHELL: You marked it as
an exhibit. If you know the source
of the writing, I don't mind you
asking him all the questions you

1

R. Anderson

74

2

want, but at this point, just tell
me who the source of the writing is
if you know who the source of the
writing is.

3

MR. BARKET: I'm done. Thank

4

you.

5

MR. MITCHELL: Is your answer

6

you do know the source of the
writing? I'm asking you to tell my
right now who the source of the
writing is.

7

MR. BARKET: I'm not trying to
give you a hard time.

8

MR. MITCHELL: You're not. I'm
asking a simple question that has to
do with the exhibit that you've
marked because I have to know what
objection I'm going to put on the
record.

9

MR. BARKET: What objection?

10

MR. MITCHELL: It's based on

11

your answer that you give me I may
make a certain objection.

12

MR. BARKET: Then I'm really

1

R. Anderson

75

2

not going to answer the question.

3

No offense to you.

4

MR. MITCHELL: You don't offend

5

me.

6

MR. BARKET: I'm not trying to
give you a hard time, but I'm not
here to answer questions about the
exhibits. My job is to ask them.

10

MR. MITCHELL: Fair enough. I
want to make this record. I
appreciate that it's your position
that you're not here to answer
questions about the exhibits, but
you did mark the exhibit and it has
writing in it and so whether you
like it or not, and you're not
offending me, is that if you do know
who the source of the writing is
that you tell me.

21

MR. BARKET: You think I should
tell you?

23

MR. MITCHELL: Yes. First
thing is yes. And two, if you know
that the source of the writing is a

1

R. Anderson

76

2

source that has happened post the
beginning of the litigation, then
you don't have a good faith basis to
ask the questions that you did of
the witness.

7

MR. BARKET: Suppose, I'm not
saying this happened, suppose
McCready took his supplemental
report at some point and marked it
all up?

12

MR. MITCHELL: Listen, you're
not giving me a hard time. If the
source of the writing is a person
who is either a member of your
office or your investigator or an
Attorney General's investigator and
you know it, we're wasting a lot of
time and so that would be my
objection.

21

That being said, we will
address it with the court. At some
point, I'll write him a letter and
ask you to reveal that information.

25

MR. BARKET: I asked one

1

R. Anderson

77

2

question. Do you recognize the
writing? He said no. I don't think
we wasted too much time with that.

5

MR. MITCHELL: Fair enough.

6

You win.

7

MR. BARKET: Thanks for coming
in.

9

MR. MITCHELL: Okay.

10

(Time noted: 12:10 p.m.)

11

12

13

14 ROBERT J. ANDERSON

15

16

Subscribed and sworn to before me
this ____ day of _____, 2014.

18

19

20

21 NOTARY PUBLIC

22

23

24

25

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3

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ERRATA SHEET FOR THE TRANSCRIPT OF:

3

Case Name: Martin Tankleff vs

4

The County of Suffolk

5

Deposition Date: June 17, 2014

6

Witness: Robert J. Anderson

CORRECTIONS

PG	LN	NOW READS	SHOULD READ	REASON FOR
7	—	-----	-----	-----
8	—	-----	-----	-----
9	—	-----	-----	-----
10	—	-----	-----	-----
11	—	-----	-----	-----
12	—	-----	-----	-----
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19	—	-----	-----	-----
20				
21			-----	-----
22			Signature	-----
23				
24				
25				

1

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2

CERTIFICATION

3

I, DOLLY FEVOLA, a Notary Public in
and for the State of New York, do hereby certify:

5

THAT the witness whose testimony is herein
before set forth, was duly sworn by me; and

7

THAT the within transcript is a true record
of the testimony given by said witness.

9

I further certify that I am not related,
either by blood or marriage, to any of the parties
to this action; and

12

THAT I am in no way interested in
the outcome of this matter.

14

IN WITNESS WHEREOF, I have hereunto
set my hand this 12th day of July, 2014.

16

17

18

DOLLY FEVOLA

20

21

22

23

24

25

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